



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

ANTHONY JONES, #82208, §
Plaintiff, §
§
vs. § CIVIL ACTION NO. 3:10-238-HFF-JRM
§
JON D. OZMINT, §
SCDC Prison Director, et al., §
Defendants. §

ORDER

This case was filed as a 42 U.S.C. § 1983 action. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that Defendants' motion for summary judgment be granted. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on March 17, 2011, the Clerk of Court entered Plaintiff's objections to the Report on April 6, 2011, and Defendants filed their response to the objections on April 11, 2011. The Court has reviewed the objections, in which Plaintiff generally reargues contentions already considered and rejected by the Magistrate Judge, but finds them to be without merit. Therefore, it will enter judgment accordingly.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Plaintiff's objections, adopts the Report to the extent that it does not contradict this Order, and incorporates it herein. Therefore, it is the judgment of this Court that Defendants' motion for summary judgment is **GRANTED** as to all of Plaintiff's federal claims. Hence, Plaintiff's federal causes of action are hereby **DISMISSED** with prejudice.

To the extent that Plaintiff has raised any state causes of action, however, those claims are **DISMISSED** without prejudice so that Plaintiff is able to pursue them in state court if he decides to do so.

IT IS SO ORDERED.

Signed this 2nd day of May, 2011, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.